IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 02.04.2007

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Appeal No.804 of 2003

1.The Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

2.The Commissioner of Adi Dravidar
and Tribal Welfare Commissionerate,
Chennai-5.

3.The District Collector,
Tirunelveli District,
Tirunelveli. .. Appellants (Respondents in WP.2389/01)

Vs.

Michael @ Sankaralingam .. Respondent (Petitioner in do)

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.01.2002 made in W.P.No.2389 of 2001 presented under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in his proceedings in NO.Mu.Mu.A4.47756 for 2000 dated 17.11.2000 and quash the same and direct the respondents to appoint the petitioner's son namely Eswaran, in any Government Undertakings/Quasi Government/Local Bodies etc., with immediate effect or any other appropriate relief or direction.

For Appellants : No appearance

For Respondent : No appearance

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JUDGMENT

(Judgment of the Court was delivered by P. SATHASIVAM, J.)

The above writ appeal is directed against the order of the learned single Judge dated 25.01.2002 made in W.P.No.2389 of 2001.

2. The respondent herein/writ petitioner, aggrieved by the proceedings dated 17.11.2000 of the third respondent-the District Collector, Tirunelveli, declining to consider his request for appointment on compassionate ground, has filed W.P.No.2389 of 2001 for quashing the same and also prayed for further direction to the respondents to appoint the petitioner's son viz., Eswaran in any Government undertakings/ quasi Government/local bodies with immediate effect.

3. The learned single Judge, after accepting the case of the petitioner that due to communal riots, his son Vellaisamy was killed by unknown persons and his eligibility for compassionate appointment as per the Government orders and instructions of the Director, Adi Dravidar and Tribal Welfare Commissionerate, Chennai, disposed of the writ petition with a direction to implement those orders. Questioning the said order, the Principal Commissioner, Commissioner of Revenue Administration, Chepauk, Chennai-5, the Commissioner of Adi Dravidar and Tribal Welfare Commissionerate, Chennai-5 and the District Collector, Tirunelveli District, Tirunelveli have filed the above writ appeal.

4. No one appears for the appellants. In the normal circumstances, it would be proper for this court to dismiss the appeal for default. However, considering the fact that the learned single Judge has directed the official respondents to implement G.O.Ms.No.896 Labour and Employment Department, dated 09.07.1990 and also the order of the Director of Adi Dravidar and Tribal Welfare Commissionerate, Chennai, dated 22.05.1999, within a period of 12 weeks from the date of receipt of a copy of the order, instead of dismissing the appeal for default, we confirm the order of the learned single Judge. When the above mentioned Government order and the proceedings of the Director of Adi Dravidar and Tribal Welfare Commissionerate, Chennai, are in favour of the writ petitioner-respondent herein, it is but proper to analyse whether the petitioner/respondent herein is eligible for compassionate appointment, if so, the official respondents are duty bound to comply with the order of the learned single Judge within a period of eight weeks from the date of receipt of a copy of this order. Inasmuch as the learned single Judge has merely directed the official respondents to implement the Government order and the instructions of the Head of the Department, no further direction need be given with regard to merit or eligibility of the person concerned and we do not find any valid ground to interfere with the same. On the other hand, we are in agreement with the said conclusion arrived at by the learned single Judge.

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5. The writ appeal is dismissed with the above direction. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Principal Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5.

2.The Commissioner of Adi Dravidar
and Tribal Welfare Commissionerate,
Chennai-5.

3.The District Collector,
Tirunelveli District, Tirunelveli.

1 cc To Mr.S.Arivazhagan, Advocate, SR.21434.

W.A.No.804 of 2003

JRG(CO)
RVL 13.04.2007

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